

### **REMARKS**

For purposes of expediting prosecution, Applicants have cancelled claims 1-12, 21-28, and 30-33 without prejudice; amended claims 13, 14, 29, 34-37 and 40-43. Applicants preserve the right to prosecute all cancelled claims and deleted subject matter in continuing patent applications.

#### **Rejections under 35 U.S.C. § 112**

(1) The Office rejected claims 1-36 under 35 U.S.C. § 112, alleging that the specification does not reasonably provide enablement for hydrates.

For purposes of expediting prosecution, Applicants have deleted the term “hydrates” from the claims. This rejection has been obviated by way of this amendment. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(2) The Office rejected claims 1-36 under 35 U.S.C. § 112, alleging that the proviso in the definition of X and Y is indefinite because of the introduction of new variables  $R^{6a}$ ,  $R^{20}$ ,  $R^{21}$  and  $R^{22}$ .

For purposes of expediting prosecution, Applicants have eliminated new variables  $R^{6a}$ ,  $R^{20}$ ,  $R^{21}$  and  $R^{22}$  in this proviso, that is now in claim 13, by substituting these variables with the definition of these variables that are supported in the application as filed. Without mention of  $R^{6a}$ ,  $R^{20}$ ,  $R^{21}$  and  $R^{22}$  in this proviso in claim 1, Y is meant to exclude phenyl, naphthyl, cyclohexyl, dihydronaphthyl tetrahydronaphthyl, or a five- to six-membered heteroaryl, each optionally substituted, when X is -O- or -N( $R^5$ )-. Applicants have therefore added the following proviso to claim 13 that does not mention variables  $R^{6a}$ ,  $R^{20}$ ,  $R^{21}$  and  $R^{22}$ :

“provided when X is -O- or -N( $R^5$ )-, then Y cannot contain phenyl, naphthyl, cyclohexyl, dihydronaphthyl tetrahydronaphthyl, or a five- to six-membered heteroaryl, each optionally substituted”.

This rejection has been obviated by way of this amendment. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

Rejections under 35 U.S.C. § 102(a)

(1) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(a) over Murata, et al., JP 2001139472, describing RN 251299-06-6. Applicants respectfully traverse this rejection.

In view of applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(1) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(a) over Murata, et al., JP 2001139472, describing RN 251299-06-6.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(2) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(a) over Carini, US Patent No. 6,849,631.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(3) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102 over Furukawa, et al., JP 2003221337.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(4) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(a) over Font, et al., Journal of Combination Chemistry (2003), 5(3), 311-321.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(5) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(a) over Baraldi, et al., Bioorganic & Medicinal Chemistry (2003), 11(19), 4161-4169.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(6) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(a) over Baughman, et al., US Patent No. 7,176,310.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(7) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(b) over Kirsh, et al., WO 2000020393.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(8) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(b) over Gour, et al., U.S. Patent No. 6,031,072.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(9) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(b) over Sasaki, et al., Bioorganic & Medicinal Chemistry Letters (2002), 12(16), 2073-2077.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(10) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(b) over Atsumi, et al., JP 2002037787.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(11) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(b) over Neustadt, et al., WO 2001092264A1.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(12) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(b) over Griffin, et al., U.S. Patent No. 6,303,618.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(13) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(b) over Aldrich, et al., US 6,107,301.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(14) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(b) over El-Tombary, et al., Farmaco (1999), 54(7), 486-495.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(15) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(b) over Connell, et al., US Patent No. 5,939,462.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(16) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(b) over Kindon, et al., US Patent No. 6,107,297.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(17) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(b) over Breu, et al., US Patent No. 5,837,708.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(18) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(b) over Lee, et al., WO9843968.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(19) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(b) over Connell, et al., WO9835944.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(20) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(b) over Murato, et al., WO9809960.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(21) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(b) over Hardy, et al., Experimental Parasitology (1997), (87(3), 157-169.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(22) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(b) over Ali, et al., WO9724122.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(23) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(b) over Jantova, et al., Folia Biologica (Prague) (1997), 43(2), 83-89.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(24) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(b) over Abd El-Fattah, *Indian Journal of Heterocyclic Chemistry* (1995), 4(3), 199-202.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(25) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(b) over Ismail, *Journal of the Serbian Chemical Society* (1994), 59(6), 353-8.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(26) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(b) over Ayer, et al., U.S. Patent No. 5,502,187.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(27) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(b) over Spirkova, et al., *Collection of Czechoslovak Chemical Communications* (1994), 59(1), 222-6

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(28) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(b) over Cocco, et al., *Journal of Heterocyclic Chemistry* (1992), 29(5), 1341-7.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(29) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(b) over Temple, et al., *Journal of Medicinal Chemistry* (1992), 35(26), 4809-12.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(30) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(b) over Ogawa, et al., *Chemical & Pharmaceutical Bulletin* (1992), 40(5), 1315-1317.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(31) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(b) over Seada, et al., *Asian Journal of Chemistry* (1992), 4(3), 604-14.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(32) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(b) over Ogawa, et al., *Chemical & Pharmaceutical Bulletin* (1992), 40(2), 343-50.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(33) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(b) over Grinter, et al., U.S. Patent 5,017,701.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(34) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(b) over Harnden, et al., *Australian Journal of Chemistry* (1990), 43(1), 55-62.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(35) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(b) over Yoeseff, Egyptian Journal of Pharmaceutical Sciences (1989), 30(1-4), 465-72.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(36) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(b) over Hurst, et al., Australian Journal of Chemistry (1988), 41(8), 1209-19.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(37) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(b) over Bailey, et al., Biochemistry (1989), 28(2), 494-504.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(38) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(b) over Fuji, et al., JP63122684.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(39) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(b) over Sharanin, et al., Khimiya Geterotsiklicheskikh Soedinenii (1987), (10), 1377-84.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(40) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(b) over Dunaev, et al., Khimiko-Farmatsevticheskii Zhurnal (1986), 20(10), 1198-202.



In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(41) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(b) over Nair, et al., *Journal of Organic Chemistry* (1981), 46(16), 3354-7.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(42) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(b) over Vasilev, et al., *Doklady Bolgarskoi Akademii Nauk* (1980), 33(6), 849-51.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(43) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(b) over Roth, et al., *Journal of Organic Chemistry* (1980), 45(18), 3651-7.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(44) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(b) over Walsh, et al., *Journal of Chemical Research, Synopsis* (1980), (2), 38-39.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(45) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(b) over Kikuchi, et al., DE 2547691.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(46) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(b) over Vorbrueggen, et al., *Angewandte Chemie* (1976), 88(21), 724-5.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(47) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(b) over Takai, et al., JP510521184.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(48) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(b) over Pfleiderer, et al., *Chemische Berichte* (1971), 104(7), 2293-2312.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(49) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(b) over Imperial Chemical Industries Ltd., US Patent No. 3,670,077.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(50) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(b) over Roth, US Patent No. 3,470,183.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(51) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(b) over Roth, *Journal of Medicinal Chemistry* (1969), 12(2), 227-32.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(52) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(b) over Pfleiderer, et al., *Chemische Berichte* (1966), 99(9), 3008-21.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(53) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(b) over Poyla, et al., Journal of the Chemical Society (1964), (Dec.), 4986-92.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(54) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(b) over Noell, et al., Journal of Medicinal & Pharmaceutical Chemistry (1962), 5, 1074-85.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(55) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(b) over Davis, et al., Journal of the American Chemical Society (1960), 82, 2633-40.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(56) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(b) over Bell, et al., Journal of the American Chemical Society (1960), 82, 1469-71.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(57) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(b) over Boon, et al., GB 763041.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(58) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(b) over Boon, et al., Journal of the Chemical Society (1957) 2146-58.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(59) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(b) over Kilroe Smith, et al., Tetrahedron (1957), 1, 38-44.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(60) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(b) over Boon, et al., Journal of the Chemical Society (1951) 591-6.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(61) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(b) over Boon, et al., GB635582.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(62) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(b) over D'Alelio, et al., US 2,354,505.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(63) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(e) over Dugar, et al., WO 2005033072.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(64) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(e) over Kusogof, et al., WO 2005030734.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(65) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(e) over Boyle, et al., WO 2003048165.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(66) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(e) over Matasi, et al., WO2003048164.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(67) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(e) over Neustadt, et al., WO2003048164.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(68) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(e) over Tulshian, et al., WO2003032996.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(69) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(e) over Brumby, et al., WO2002096888.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(70) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(e) over Sekiguchi, et al., WO2004087669.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(71) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(e) over Xue, et al., WO2004050024.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(72) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(e) over Mjalli, et al., WO2003084997.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(73) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(e) over Hale, et al., WO2001007027.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(74) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(e) over Castelhana, et al., WO2003053366.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

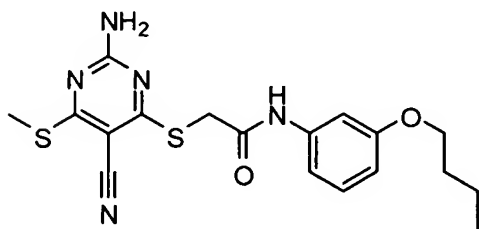
(75) The Office has rejected claims 1-4 and 35 under 35 U.S.C. § 102(a) over Carini, US Patent No. 6,849,631.

In view of Applicants cancellation of claims 1-4, and making claim 35 dependent on claim 13, this rejection has been rendered moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

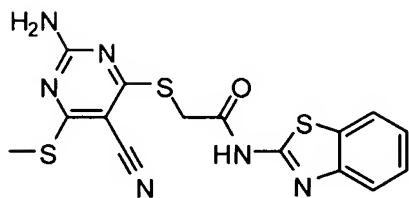
Rejections under 35 U.S.C. § 103

The Office has rejected claims 1- 36 under 35 U.S.C. § 103(a) over the following compounds:

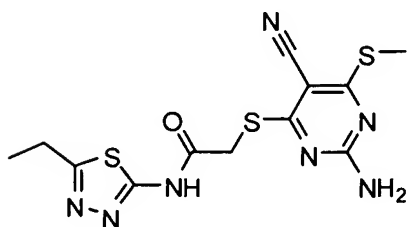
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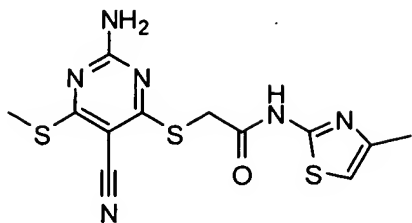
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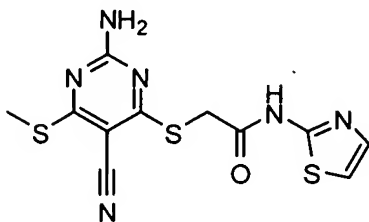
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RN339156-81-9



RN 328285-70-7



In regard to RN339582-02-4, claim 13 has been amended to remove -OR<sup>5</sup> in variables R<sup>1a</sup> and R<sup>1b</sup>, thereby eliminating the possibility that an alkoxy group could be on the phenyl group where the butoxy group is on RN339582-02-4. The variables R<sup>1a</sup> and R<sup>1b</sup> in amended claim 13 include groups that are not lower alkyl homologues. The groups listed in variables R<sup>1a</sup> and R<sup>1b</sup> are not structurally obvious to the butoxy group in RN339582-0204. In claim 13, these R<sup>1a</sup> groups are selected from halogen, lower perfluoroalkyl, -NO<sub>2</sub>, and optionally substituted C<sub>1-4</sub>alkyl; and the R<sup>1b</sup> groups are selected from halogen, -N(R<sup>5</sup>)R<sup>5</sup>, -SR<sup>5</sup>, perfluoroalkyl, and optionally substituted lower alkyl.

Applicants assert that RN339582-02-4 does not teach or suggest one skilled in the art any articulated reasoning with some rational underpinning to support that the instant claims would have been obviousness to one skilled in the art.



The R<sup>1a</sup> and R<sup>1b</sup> groups in the instant claims are all chemical groups with a distinct functionality from the butoxy group in RN339582-02-4. One skilled in the art would not have had any reason to change the butoxy group in RN339582-02-4 to any of the groups in variables R<sup>1a</sup> or R<sup>1b</sup>. Accordingly, RN339582-02-4 fails to support a legal conclusion that the instant claims would have been *prima facie* obvious.

Since RN339582-02-4 fails to support a legal conclusion that the instant claims would have been *prima facie* obvious for reasons stated above, Applicants respectfully request reconsideration and withdrawal of this rejection.

In regard to RN 339156-32-0, RN339156-78-4, RN339156-81-9, RN339156-81-9, and RN 328285-70-7, these compounds are even further removed from the claimed compounds. These compounds would require the replacement of a phenyl group with a thiazol group, a 1,3,4-thiaziazole, or a benzo[d]thiazole. The phenyl group of claim 13 is a chemical group with distinct functionality from the thiazol, 1,3,4-thiaziazole, and benzo[d]thiazole groups disclosed of RN 339156-32-0, RN339156-78-4, RN339156-81-9, RN339156-81-9, and RN 328285-70-7. One skilled in the art would not have had any reason to change any of the thiazol, 1,3,4-thiaziazole, and benzo[d]thiazole groups to phenyl group. Accordingly, each of RN 339156-32-0, RN339156-78-4, RN339156-81-9, RN339156-81-9, and RN 328285-70-7 fail to support a legal conclusion that the instant claims would have been *prima facie* obvious.

Since each of RN 339156-32-0, RN339156-78-4, RN339156-81-9, RN339156-81-9, and RN 328285-70-7 fail to support a legal conclusion that the instant claims would have been *prima facie* obvious for reasons stated above, Applicants respectfully request reconsideration and withdrawal of this rejection.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the present application is in condition for allowance, which action is earnestly solicited.

No fees are believed to be due in order to process this document and any paper attached. Should the U.S. Patent Office determine that an extension of time and/or other relief is required at this time, the Commissioner is authorized to charge the cost of such relief and/or fees to Deposit Account No. 50-1108, referencing EX04-066C-US.

Respectfully submitted,

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